

AMENDED IN SENATE APRIL 28, 2014

SENATE BILL

No. 1400

Introduced by Senator Hancock

February 21, 2014

An act to amend Section 76030 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 1400, as amended, Hancock. Community colleges: expulsions.

Existing law ~~requires~~ *provides authority for* a governing board, the president of a community college, or the president's designee, or an instructor to suspend a student for good cause. Existing law authorizes the governing board to expel a student for good cause when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others. Existing law requires the suspension or expulsion of a student to be accompanied by a hearing as provided.

~~This bill would authorize the governing board of a community college to expel a student, without further proceedings~~ *provide that*, if good cause for the issuance of an order protecting a campus of the district, or any person regularly present on a campus of the district, is issued by a court against ~~the~~ *a student after an evidentiary hearing of that district, and prevents that student from attending classes and maintaining his or her academic standing, the student may apply to the governing board of that community college district for reinstatement from any related expulsion after the expiration of that order. The bill would require a review with respect to the application to be conducted at the request of the student. The bill would require the review to include consideration of specified issues. The bill would require, after the review, that the*

governing board or the person to whom the governing board delegates this authority deny enrollment, permit enrollment, or permit conditional enrollment, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 76030 of the Education Code is amended
2 to read:

3 76030. (a) Consistent with requirements of due process of law,
4 with this article, and with the rules of student conduct adopted by
5 the governing board under Section 66300, the governing board,
6 the president of a community college or the president's designee,
7 or an instructor shall suspend a student for good cause. In addition,
8 the governing board is authorized to expel a student for good cause
9 when other means of correction fail to bring about proper conduct,
10 or when the presence of the student causes a continuing danger to
11 the physical safety of the student or others. The suspension or
12 expulsion of a student shall be accompanied by a hearing conducted
13 pursuant to the requirements of Section 66017.

14 (b) ~~(1) Notwithstanding this article and Section 66017, the~~
15 ~~governing board of a community college may expel a student,~~
16 ~~without further proceedings any other law , if good cause for the~~
17 ~~issuance of an order protecting a campus of the a community~~
18 ~~college district, or any person regularly present on a campus of~~
19 ~~the that district, is issued by a court against the student after an~~
20 ~~evidentiary hearing. a student of that community college district,~~
21 ~~and prevents that student from attending classes and maintaining~~
22 ~~his or her academic standing, that student may apply to the~~
23 ~~governing board of that community college district for~~
24 ~~reinstatement from any related expulsion after the expiration of~~
25 ~~that order. At the request of a student who applies for reinstatement~~
26 ~~under this paragraph, a review with respect to the application~~
27 ~~shall be conducted. This review, at a minimum, shall include~~
28 ~~consideration of all of the following issues:~~

29 (A) *The gravity of the offense.*

30 (B) *Evidence of subsequent offenses, if any.*

31 (C) *The likelihood that the student would cause substantial*
32 *disruption if he or she is reinstated.*

- 1 (2) *The governing board of the community college district, or*
2 *the person to whom authority is delegated pursuant to subdivision*
3 *(f) of Section 76038, shall take one of the following actions after*
4 *conducting a review under paragraph (1):*
5 (A) *Deny enrollment.*
6 (B) *Permit enrollment.*
7 (C) *Permit conditional enrollment, and specify the conditions*
8 *under which enrollment will be permitted.*